

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES PATTON,

Petitioner,

-vs-

SHERIFF EUGENE FISCHER, et al,

Respondents.

CASE NO. 3:13-cv-50

Judge Timothy S. Black
Magistrate Judge Michael R. Merz

JUDGMENT IN A CIVIL CASE

☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

IT IS ORDERED AND ADJUDGED that the Report and Recommendations (Doc. 14) of the United States Magistrate Judge is **ADOPTED**; the Petition (Doc. 2) is **DISMISSED** without prejudice pending exhaustion of all state court remedies. Petitioner is **DENIED** a certificate of appealability and the Court certifies to the United States Court of Appeals that an appeal would not be taken in objective good faith. The case is **TERMINATED** from the docket.

Date: June 11, 2013

JOHN P. HEHMAN, CLERK

By: s/ M. Rogers

Deputy Clerk